

Summary
Tribal Topic Group Teleconference
September 6, 2007

Participants

Call Lead: Corinne Macaluso (Department of Energy [DOE], Office of Civilian Radioactive Waste Management [OCRWM])

Other Callers: Amy Alesch (Ysleta del Sur Pueblo), Richard Arnold (Pahrump Paiute Tribe/Consolidated Group of Tribes and organizations [CGTO], Cathy Bohan (DOE/West Valley Demonstration Project), Vicki Best (BSC), Grayden Brown (Pinoleville Pomo), Mike Coplin (Chickasaw Nation), Deanna Domingo (Moapa Band of Paiutes), David Edmunds (Pinoleville Pomo), Greg Fasano (BSC), Bob Fry (NCSL), Jason Garcia (TeMoak Tribe – Wells Band), Josh Garcia (Ysleta del Sur Pueblo), Steve Grey (Lawrence Livermore National Laboratory [LLNL]/Navajo Nation), Elizabeth Helvey (BSC), Paloma Hill (DOE/OCRWM), Lonny Macy (Confederated Tribes of Warm Springs Reservation), Titto Moses (Confederated Tribes of the Umatilla Indian Reservation), Jennifer Patric (BAH), Wilda Portner (SAIC), Tony Provost (Omaha Tribe), Shannon Rindfleisch (Prairie Island Indian Community), John Smegal (Legin), Pat Temple (BSC), Neil Weber (Pueblo de San Ildefonso)

Corinne Macaluso led the meeting and opened with introductions. She announced that she will be the acting Tribal Topic Group lead for DOE's Transportation External Coordination Working Group (TEC), as Jay Jones has accepted another position within the Department of Energy's Office of Civilian Radioactive Waste Management (OCRWM).

Corinne stated that the purpose of this teleconference was to discuss the needs assessment approach to allocating funds for the Nuclear Waste Policy Act Section 180(c) grants. Prior to the teleconference, Wilda Portner distributed a one-page description of the needs assessment approach.

Corinne explained that, under the Section 180(c) approach, Assessment and Planning Grants would provide up to \$200,000 per eligible Tribe and state to cover the costs of conducting a needs assessment. OCRWM staff would assist Tribal applicants, at their request, to complete the application for the Assessment and Planning Grants and to conduct the needs assessment once the funding is received. The needs assessment would have to be specific to training needs created by the shipments of spent nuclear fuel and high-level radioactive waste to the repository at Yucca Mountain, Nevada. Once the needs assessment is complete, it forms the basis of the application for the Training Grants.

A participant asked what the timeframe is for the grants and the needs assessment. Corinne explained that the OCRWM program's best achievable date for opening the repository and transporting radioactive waste is 2017. It could be as late as 2021. The Assessment and Planning Grants would be available 4 years prior to shipments, making 2012 the earliest date for the needs assessment.

Another participant asked Corinne to clarify eligibility criteria for Section 180(c). She reiterated that Tribal eligibility for Section 180(c) is dependent upon shipments to the repository being planned through a reservation. She stated the OCRWM staff realizes that Oklahoma may present a unique situation with regard to Tribal land ownership and that she was researching it further. She clarified that the half-mile measure from a route, which was used to decide which Tribes to contact about the OCRWM transportation efforts, was not relevant to Section 180(c) eligibility.

One participant asked how long the grant application process is. Corinne said that it would take 3 to 6 months to review a grant application and that funding would probably follow within about 2 months of the award. The participant also questioned the frequency of reporting requirements (which are currently on a quarterly basis) and requested that OCRWM consider allowing Tribes, under self-governance laws, to reduce their reporting requirements. Corinne said she would consider it but needed more information about the self-governance laws and regulations. Richard Arnold said he would provide that information. In turn, Corinne said she would provide Topic Group members with the current reporting requirements that OCRWM is considering for the grants.

Another participant asked whether there was a form for the needs assessment. Corinne responded that no form exists specifically for the Section 180(c) needs assessment. However, DOE's Transportation Emergency Preparedness Program (TEPP) has a needs assessment form on their Web site that is available to any interested jurisdiction. TEPP personnel will help the jurisdiction complete the assessment and analyze their findings. Elizabeth Helvey added that Section 180(c) has two aspects – training for procedures in emergency response AND safe routine transportation. The TEPP needs assessment form handles the emergency response aspect, but no form correlates to the safe routine transportation aspect.

The participant also asked whether DOE would hold grant writing workshops. Corinne offered that she had brought in a consultant to demonstrate applying for grants over the www.grants.gov Web site at the March 2006 TEC meeting. Slides from that presentation remain available at the TEC web site at www.tecworkinggroup.org. She also said that holding workshops could be a possibility.

Corinne said her goal was to publish a supplemental *Federal Register* Notice to address Tribal-specific issues related to Section 180(c). Right now, she sees the supplement as only addressing the needs assessment as a means to allocate funds. The Section 180(c) *Federal Register* Notice that is currently out for comment (comment period closes October 22, 2007) discusses that funds above the base grant level will be allocated

according to a formula for state recipients, but does not mention how Tribal allocations will be made.

A participant inquired whether substantive changes to a Tribe's capabilities over time would be considered in the grant awards. Corinne said yes, that the grant applicant must develop a 5-year plan, but that funds would be awarded annually. That way, DOE and the Tribal government could make adjustments each year to account for changes in infrastructure and capabilities.

The discussion moved from the needs assessment to technical assistance. Section 180(c) requires DOE to provide technical assistance as well as financial aid to grant recipients. Elizabeth inquired whether any of the Tribes on the teleconference had used Department of Homeland Security, Federal Emergency Management Agency, Department of Transportation, or Environmental Protection Agency programs either for hazardous materials emergency response or transportation planning activities. The participants responded that programs they had used successfully include the Lawrence Livermore National Laboratory training programs for hazmat overview and 40-hour detailed hazmat course; the FEMA training program in Emmitsburg, MD, for hazmat training; and the Hanford train-the-trainer courses.

In general, the discussion seemed to reveal that training is available for hazmat emergency response training but that funds to travel to the training could be an issue. Training was not as accessible in the areas of inspection procedures, transportation planning, or other "safe routine" transportation activities, such as the inspector training offered through the Commercial Vehicle Safety Alliance.

One participant commented that Tribes often have relationships with state or local responders that have access to this training, but it is not routinely offered to the Tribal participants.

John Smegal commented that other Federal agencies offer training in the field and that they might be an untapped resource for some Tribes. After some discussion, the members asked Corinne if she could distribute a list of resources that they might access for training. Corinne agreed to create such a list and make it available to the Topic Group members. Elizabeth Helvey requested that anyone reading the list please provide comments and additional resources missing from the list.

Corinne informed the participants that there will be another teleconference at the end of September to discuss non-Section 180(c) issues. Wilda Portner will e-mail the Tribal Topic Group members with a draft agenda and potential meeting dates.

Josh Garcia asked whether Kristen Ellis (DOE Office of Congressional and Intergovernmental Affairs) had responded to his request that someone from OCRWM talk to the Tribal council about the program. Paloma Hill responded that she and Judith had talked about this and they would get back to Josh soon with an answer. She expected the visit would occur this fall.

Corinne and Paloma reiterated to the Tribal Topic Group that OCRWM staff would make site visits as requested and as the travel budget allows. Corinne reminded the group that the fiscal year 2008 budget for OCRWM had been cut and the program would need to restrict its activities, including travel.

Corinne thanked everyone for their participation and adjourned the meeting.

Action Items

- Prepare summary of call and forward to Topic Group members (Elizabeth Helvey/Wilda Portner)
- Provide Corinne Macaluso with self-governance provisions (Richard Arnold)
- Provide Topic Group members with draft agenda for next call and poll membership about best date for call (Jennifer Patric/Wilda Portner)
- Summarize reporting requirements and send to the Tribal Topic Group members (Corinne Macaluso/Wilda Portner)
- Draft paper on resources available to Tribes and distribute to group (Elizabeth Helvey/Wilda Portner)
- Follow up on DOE/OCRWM staff visit to Ysleta del Sur Pueblo this fall (Corinne Macaluso/Paloma Hill/Judith Holm)